

**IN UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE**

ESTATE OF RONALD TROTMAN,)	
CHARLOTTE A. WAITE, and ROLANDA)	
TROTMAN,)	
)	
Plaintiffs,)	C.A. No. 07-62
)	
v.)	
)	
FIRST CORRECTIONAL MEDICAL,)	JURY OF 12 DEMANDED
INC., DR. JOSE A. ARAMBURO,)	
JR., M.D., DR. SITTA GOMBEH-ALI,)	
M.D., COMMISSIONER STANLEY)	
TAYLOR, JOYCE TALLEY, BUREAU)	
CHIEF,)	
)	
Defendants.)	

JOSE ARAMBURO, M.D.'S ANSWER TO COMPLAINT

The defendant Jose Aramburo, Jr., M.D., by and through his attorney, answers the Complaint as follows:

1. This is a legal contention for which no response is required.
2. Answering defendant is without sufficient information to admit or deny the allegations of this paragraph.
3. Answering defendant is without sufficient information to admit or deny the allegations of this paragraph.
4. Denied. By way of further answer, First Correctional Medical Delaware, LLC, provided healthcare to the Delaware Department of Correction from July 1, 2002 through June 30, 2005.
5. Denied as stated. Admitted that Jose Aramburo, Jr., M.D., was a physician licensed to practice medicine in the State of Delaware and employed by First Correctional Medical Delaware,

LLC. Admitted that Jose Aramburo, Jr., M.D., provided medical care to the decedent.

6. Answering defendant is without sufficient information to affirm or deny the allegations contained in this paragraph

7. Answering defendant is without sufficient information to admit or deny the allegations contained in this paragraph

8. Answering defendant is without sufficient information to admit or deny the allegations contained in this paragraph.

9. Answering defendant is without sufficient information to admit or deny the allegations contained in this paragraph.

10. Answering defendant is without sufficient information to admit or deny the allegations contained in this paragraph.

11. Answering defendant is without sufficient information to admit or deny the allegations contained in this paragraph.

12. Answering defendant is without sufficient information to admit or deny the allegations contained in this paragraph.

13. Answering defendant is without sufficient information to admit or deny the allegations contained in this paragraph.

14. Answering defendant is without sufficient information to admit or deny the allegations contained in this paragraph.

15. Answering defendant is without sufficient information to admit or deny the allegations contained in this paragraph.

16. Answering defendant is without sufficient information to admit or deny the allegations contained in this paragraph.

17. Answering defendant is without sufficient information to admit or deny the allegations contained in this paragraph.

18. Answering defendant is without sufficient information to admit or deny the allegations contained in this paragraph.

19. Answering defendant is without sufficient information to admit or deny the allegations contained in this paragraph.

20. Answering defendant is without sufficient information to admit or deny the allegations contained in this paragraph.

21. Denied. By way of further answer, admitted that pseudoephedrine was ordered for decedent on December 20, 2004, and that amoxil was ordered for decedent on January 31, 2005.

Count I

22. Answering defendant is without sufficient information to admit or deny the allegations contained in this paragraph.

23. Answering defendant is without sufficient information to admit or deny the allegations contained in this paragraph.

24. Answering defendant is without sufficient information to admit or deny the allegations contained in this paragraph.

25. Answering defendant is without sufficient information to admit or deny the allegations contained in this paragraph.

26. Answering defendant is without sufficient information to admit or deny the allegations contained in this paragraph.

27. Answering defendant is without sufficient information to admit or deny the allegations contained in this paragraph.

28. Denied.

Count II

29. Denied.

30. Denied.

Count III

31. Denied.

32. Denied.

WHEREFORE, defendant Jose Aramburo, Jr., M.D., requests that this Court grant judgment for all that is just and proper to include dismissal of this suit, with plaintiff to pay all costs including attorney's fees pursuant to 42 U.S.C. § 1988.

AFFIRMATIVE DEFENSES

1. The Complaint fails to state a claim against answering defendant upon which plaintiff may recover.

2. Plaintiff fails to state a claim against answering defendant upon which plaintiff recover with respect to all civil rights claims as answering defendant was not deliberately indifferent to a serious medical condition.

3. Answering defendant provided plaintiff with medical care that was appropriate for his condition and which met the applicable standards of care.

4. The Complaint fails to state a claim for punitive damages upon which plaintiff may recover.

5. The Complaint should be dismissed in whole, or in part, as plaintiff failed to properly exhaust his administrative remedies.

6. The Complaint should be dismissed as service of process was improper or insufficient.

7. This Court lacks personal jurisdiction over the defendant and the Complaint should be dismissed.

8. The matter is in whole, or in part, time barred under the appropriate statute of limitation or reposed by some administrative time requirement.

9. Plaintiff failed to state a medical negligence claim in compliance with Delaware Law 18 Del. C. § 6853.

McCULLOUGH & McKENTY, P.A.

/s/ Dana Spring Monzo

Dana Spring Monzo

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Attorney for Defendant Jose Aramburo, Jr., M.D.

Dated: April 5, 2007

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CERTIFICATE OF SERVICE

I, **DANA SPRING MONZO**, hereby certify that this date attached *Answer* was served to the following:

Jeffrey K. Bartels, Esquire.
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Attorney for Defendant Jose Aramburo, Jr., M.D.

Dated: April 5, 2007